

### REMARKS/ARGUMENTS

In the Office Action, the Examiner has issued a restriction requirement. The Applicant hereby confirms election of group I (claim 1-12). The Applicant respectfully traverses the restriction requirement because all claims can be examined without undue burden to the Examiner in view of the fact that claims relate to accessing periodically transmitted data.

Nevertheless, claims 13-20 corresponding to the non-elected group II have been cancelled. In addition, the subject matter of the claims in the elected group I has been further clarified and recited as new claims 21-41 for Examiner's convenience. Claims 1-12 have been canceled, but it should be noted that new claim 21 recites the subject matter previously recited in claim 10 while new the subject matter previously recited in claim 1 is now recited in claim 31.

In the Office Action, the Examiner rejected claims 1-12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,405,372 (*Kim et al.*) in view of U.S. Patent No. 6,209,131 (*Kim et al.*).

The present application pertains to techniques for accessing data in a broadcast system. As such, claim 1 pertains to a method for providing access to data that is periodically transmitted by a broadcaster in a broadcast system and received by a receiver in that broadcast system.

As noted by the Examiner, '372 (*KIM I*) reference does not teach sending a notification when update to transmitted data has been detected (Office Action, page 4). Although, it is noted that '131 (*KIM II*) describes that when the schedule for a certain program (i.e., a start time or contents of the program) has been changed, such a situation is automatically detected and notified to the viewer. Therefore, the viewer can be prevented from becoming confused and also reserving an undesired program (*KIM II*, col. 7, line 44-54).

However, it is respectfully submitted that '131 (*KIM II*) does not teach or suggest, among other things, sending a notification when a first data portion is stored in a storage device and becomes available for access (claim 21).

Furthermore, it is respectfully submitted that '372 (*KIM I*) and '131 (*KIM II*) taken alone or in any proper combination do not teach or suggest a methodology for

accessing data that is periodically transmitted by a broadcaster in a broadcast system in the context of the claimed invention. As such, several other claimed features are not taught or suggested. It is earnestly believed that neither '372 (*KIM I*) nor '131 (*KIM II*) teaches receiving a selection that identifies a first portion data in a plurality of data portions that are periodically transmitted by a broadcaster in a broadcast system.

It is noted that '372 (*KIM I*) describes user selecting a channel using a first tuner. However, it is respectfully submitted that this channel selection does not teach or suggest receiving a selection that identifies a first portion data in a plurality of data portions that are periodically transmitted by a broadcaster in a broadcast system.

Moreover, neither '372 (*KIM I*), nor '131 (*KIM II*) teaches or suggests determining whether a first selected data portion in a plurality of data portions that are periodically transmitted, is available in a storage used to store periodically transmitted data, and storing the first data portion in the storage when the first data portion is not available in the storage. Accordingly, it is respectfully submitted that claim 21 is patentable over '372 (*KIM I*) and '131 (*KIM II*) for these reasons. In addition, claims that are dependent on claim 21 are also patentable for at least these reasons.


Moreover these dependent claims recite additional features that render them patentable for additional reasons. For example, claim 26 recites creating an object that represents the data transmitted by said broadcaster. Claim 27 recites that the data object is implemented as a carousel file.

Furthermore, it is respectfully submitted that the independent claims 31 and 38 recite similar features as those recited in claim 21. Accordingly, it is respectfully submitted that claims 31 and 38 and their dependent claims are also patentable for similar reasons. Thus, it is respectfully requested that the Examiner withdraw all rejections under 35 U.S.C. §103.

Based on the foregoing, it is submitted that claims are patentably distinct over the cited art of record. Additional limitations recited in the independent claims or the dependent claims are not further discussed because the limitations discussed above are sufficient to distinguish the claimed invention from the cited art. Accordingly, Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 500388 (Order No. SUN1P504). Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,  
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